

REMARKS

Claims 1, 7, 9, 10-15, 20-23, 28, and 42-56 are pending in the application. By this Amendment, claims 2, 3, 29-41 have been canceled, claims 1, 7, 9, 10-15, 20-23, and 28 have been amended, and new claims 42-56 have been added. No new matter has been added. Applicants respectfully request prompt reconsideration and examination of the application.

In the Office Action, the Examiner required a new title of the invention. Accordingly, Applicants have amended the title of the invention.

In the Office Action, the Examiner objected to the drawings for not showing every feature of the invention recited in claim 38. Claim 38 has been canceled, thereby rendering moot the objection to the drawings. Therefore, Applicants respectfully request that the objection to the drawings be withdrawn.

In the Office Action, the Examiner rejected claims 38-41 under 35 U.S.C. § 112, first and second paragraphs, because of the claim language "regarding a pouring assembly being provided in a wall of a container." As mentioned above, claim 38 has been canceled, thereby rendering the § 112 rejections moot. Accordingly, Applicants submit that the rejections of claims 38-41 under § 112, first and second paragraphs, should be withdrawn.

Claims 1-5, 7-11, 13-17, 19-25, 27-36, and 38-40 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,717,050 to Wright. In addition, claims 6, 12, 18, 26, and 37 were rejected under 35 U.S.C. § 103(a) over Wright in view of U.S. Patent No. 6,070,752 to Nava et al., and claim 41 was rejected under § 103(a) over Wright in view

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of U.S. Design Patent No. Des. 341,380 to Morgan, Jr. et al. Applicants respectfully traverse these rejections.

Wright does not disclose or suggest the features of independent claims 1, 9, 23, 50, and 52. Regarding claim 1, Wright does not disclose or suggest a lid for use with a container including, *inter alia*, "a panel comprising a first closure and a second closure." To the contrary, Wright discloses a closure 10 for attachment to a container 24. The closure includes a base cap 12, an intermediate lid 14, and a top lid 16. The base cap 12 includes a top 54 having an orifice 26, and the intermediate lid 14 includes an orifice 34. The top 54 does not comprise the intermediate lid 14 and the top lid 16. Instead, the intermediate lid 14 is separate from but connectable to the top 54, while the top lid 16 is separate from the intermediate lid 14 and the top 54 but connectable to the intermediate lid 14 (not to the top 54). Accordingly, Wright does not disclose or suggest a panel comprising a first closure and a second closure, as recited in claim 1.

For reasons similar to those discussed above, Wright does not disclose or suggest a closure for use with a container including, *inter alia*, "a panel comprising a first flap and a second flap," as recited in claims 9 and 23.

Nava et al. and Morgan, Jr. et al. fail to overcome the above-noted deficiencies of Wright, and are not cited for those teachings. Accordingly, the § 102(b) and § 103(a) rejections of independent claims 1, 9, and 23 should be withdrawn.

Regarding independent claims 50 and 52, the applied patents do not disclose or suggest the panel being configured to latch the second closure (claim 50) or flap (claim 52) in an open position. Accordingly, claims 50 and 52 are allowable.

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Claims 4-8, 10-22, 24-28, 42-49, 51, and 53-56 are allowable for at least the same reasons as independent claims 1, 9, 23, 50, and 52, from which they respectively depend, as well as from their added features. Accordingly, all of the pending claims are now in condition for allowance.

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Applicants respectfully request reconsideration of this application, withdrawal of the claim rejections, and timely allowance of the pending claims.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicants' undersigned attorney at 202-408-4252.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17, which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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APPENDIX

**Version with markings to show changes made,
pursuant to 37 C.F.R. § 1.121(c)(1)(ii)**

IN THE TITLE:

Please amend the title as follows:

Change "Container Lid" to --Container Lid With Multiple Openings--.

IN THE CLAIMS:

Please amend claims 1, 7, 9, 10-15, 20-23, and 28 as follows:

1. (Amended) A lid for use with a container, comprising:
a panel comprising a first closure and a second closure;
a first dispensing opening [on] in the panel[;
a first closure on the panel], the first closure [including a second dispensing
opening and] being configured to at least partially cover the first dispensing opening;
and
a second [closure on the panel] dispensing opening in the first closure, the
second closure being configured to cover the second dispensing opening.
7. (Amended) The lid of claim 1, wherein the first closure includes a first flap
[attached to the panel and] configured to pivot about a first axis and the second closure
includes a second flap [attached to the panel and] configured to pivot about a second
axis, the first and second axes being substantially parallel to one another.
9. (Amended) A closure for use with a container, comprising:
a panel comprising a first flap and a second flap; and

a dispensing opening [on] in the panel[;
a first flap on the panel], the first flap being configured to reduce a size of the
dispensing opening[; and
a second flap on the panel], the second flap being configured to close the
dispensing opening.

10. (Amended) The [lid] closure of claim 9, wherein the first flap includes a
second dispensing opening, the second dispensing opening being smaller than the first
dispensing opening.

11. (Amended) The [lid] closure of claim 10, wherein the second dispensing
opening is configured to receive a straw.

12. (Amended) The [lid] closure of claim 9, wherein the first flap includes a
plurality of resilient members configured to receive a straw and maintain engagement
with the straw.

13. (Amended) The [lid] closure of claim 9, wherein the first flap is configured
to pivot about a first axis and the second flap is configured to pivot about a second axis,
the first and second axes being substantially parallel to one another.

14. (Amended) The [lid] closure of claim 13, wherein the first flap and the
second flap are configured to pivot in a same first direction when closing the lid and in a
same second direction when exposing the first dispensing opening.

15. (Amended) A container assembly, comprising:

a container; and
[a lid configured for mounting] the closure according to claim 9 on the container[;
a dispensing opening on the lid;
a first flap on the lid, the first flap being configured to reduce a size of the
dispensing opening; and
a second flap on the lid, the second flap being configured to close the dispensing
opening].

20. (Amended) The assembly of claim 19, wherein the first flap and the
second flap are configured to pivot in a same first direction when closing the [lid] closure
and in a same second direction when exposing the first dispensing opening.

21. (Amended) The assembly of claim 15, wherein the container includes a
first securement mechanism and the [lid] closure includes a second securement
mechanism, the first securement mechanism and the second securement mechanism
cooperating to secure the [lid] closure to the container.

22. (Amended) The assembly of claim 15, wherein the [lid] closure includes at
least one indicia configured to inform a consumer of a product in the container.

23. (Amended) A closure for use with a container, comprising:
a panel comprising a first flap and a second flap;
a first dispensing opening [on] in the panel; and
[a first flap on the panel, the first flap including] a second dispensing opening in
the first flap, the first flap being pivotal between an open position exposing the first

dispensing opening and a closed position modifying the first dispensing opening to the second dispensing opening[;], and

[a second flap on the panel,] the second flap being pivotal between an open position exposing the first flap and the second dispensing opening and a closed position covering the first flap and the second dispensing opening.

28. (Amended) The [lid] closure of claim 23, wherein the first flap and the second flap are configured to pivot in a same first direction when closing the lid and in a same second direction when exposing the first dispensing opening.

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